# REVISED NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
AND REDEVELOPMENT AGENCY MEETING
TUESDAY, OCTOBER 21, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

## 6 P.M. SPECIAL COUNCIL MEETING - BOARDS AND COMMISSIONS INTERVIEWS

## City Council

- 1. Call to Order (Open to the Public)
- 2. Roll Call
- 3. Board and Commission Interviews:

Judi Miller 6:00 p.m. Board of Library Trustees Robert Philbrook 6:20 p.m. Board of Library Trustees

- 4. Council Discussion
- 5. Public Comments
- 6. Adjourn Special Meeting

#### 7 P.M. COUNCIL MEETING

Pursuant to Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

#### **CLOSED SESSION REPORT OF OCTOBER 14, 2008**

Closed Session pursuant to Section 54956.8 – Conference with Real Property Negotiator

**Property: Sunnyvale Town Center** 

Negotiating Parties: Amy Chan, Agency Director: Peter Pau and Catherine Minor,

**Sunnyvale Mixed Use LLC** 

**Under Negotiation: Amendment to Terms of ARDDOPA** 

<u>PUBLIC ANNOUNCEMENTS</u>
Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours, posted online with the agenda following the meeting, and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

## **CONSENT CALENDAR**

1.A. MOTION Approval of Information/Action Items – Council Directions to Staff

### Fiscal Items

1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List

RTC 08-311 No. 423

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

## **Personnel Items**

RTC 08-315

1.C. RESOLUTION Revisions to Compensation for Classified Public Safety Sworn MOTION Management, Classified Confidential Management, Unclassified

Confidential Management Appointed by the City Attorney, Unclassified Executive Management Classifications in Categories D/E, F, and K, and

Classified Miscellaneous Confidential Classifications

Staff Recommendation: Council approves all of the recommendations contained in this report including update of the compensation program for Classified Public Safety Sworn Management, Classified/Unclassified Confidential Management, and Unclassified Executive Management Classifications in Categories D/E, F, and K by implementing the salary increases in the attached salary schedules and an additional estimated 1.0% salary increase effective the pay period including July 1, 2008 to be implemented upon completion of the PSOA survey; approving a 3.5% confidential premium for Classified/Unclassified Confidential Management classifications; and approving the same compensation and benefits for Classified Miscellaneous Confidential classifications as received by SEA.

Staff Contact: Erwin Young, (408) 730-7495

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

#### **PUBLIC COMMENTS**

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

## PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.** 

2. ORDINANCE RESOLUTION MOTION RTC 08–314 2008-0637 - Downtown Sunnyvale Mixed Use, LLC. [Applicant/Owner]: Application located at 2502 Town Center Lane in the DSP-18 (Downtown Specific Plan Block 18) Zoning District. Related proposals:

- ~ General Plan/Specific Plan Amendments to Block 18 of the Downtown Specific Plan:
  - allow an increase in the number of stories from five to six (no height increase).
  - allow an increase in the allowed sign area and type.
  - associated amendments to the zoning code
- ~ Special Development Permits:
  - review of architecture for Block 6 (between Sunnyvale Ave, Washington Ave, Murphy Ave, and McKinley Ave).
  - modify condition of approval G11.d.3 to exclude designated outdoor dining from the 90,000 square foot restaurant limitation.
  - modify condition of approval G11.d.2 to remove the 425 seat limitation for any one auditorium in the cinema.

## **Staff Recommendation**:

Council approves the following alternatives:

- 1. Specific Plan Amendment and Ordinances to allow an increase in the number of stories from five to six; and
- 3. Specific Plan Amendment and Ordinance to allow an increase in the allowed sign area and type;
- 6. Special Development Permit approval for Block 6 architecture with the attached findings and conditions of approval;
- 9. Special Development Permit approval to modify condition of approval G11.d.3 to exclude all designated outdoor dining from the 90,000 square foot restaurant limitation with the attached findings; and
- 12. Special Development Permit approval to modify condition of approval G11.d.2 to remove the 425 seat limitation for any one auditorium in the cinema with the attached findings.

Staff Contact: Steve Lynch, (408) 730-2723

3. MOTION Clean-Air Vehicle Sales Tax Rebate [Study Issue] RTC 08–316

<u>Staff Recommendation</u>: Council decides against further study or implementation of a Sales Tax rebate program for clean-air vehicles.

Staff Contact: Mary Bradley, (408) 730-7398

 ORDINANCE Adoption of Shopping Cart Regulating Ordinance MOTION RTC 08–317

<u>Staff Recommendation</u>: Council adopts proposed Shopping Cart Containment Ordinance and proposed citation authority Ordinance; Council establishes a priority ranking for the new service and directs staff to establish a fee to recover the cost of the Neighborhood Preservation inspection activities in the FY 2009/2010 Fee Schedule.

Staff Contact: Jim Craig, (408) 730-7558

## **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 08-313 Boards and Commissions Quarterly Attendance (Summer 2008) Information Only
- Draft Minutes of Board of Library Trustees Meeting of October 6, 2008
- Draft Minutes of Parks and Recreation Commission Meeting of October 8, 2008

## ADJOURNMENT TO THE REDEVELOPMENT AGENCY

#### REDEVELOPMENT AGENCY

**ROLL CALL** 

<u>PUBLIC ANNOUNCEMENTS</u>

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.

## **PUBLIC COMMENTS**

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Agency Chair) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Agency members. If you wish to address the Agency, please complete a speaker card and give it to the Agency Clerk. Individuals are limited to one appearance during this section.

#### Redevelopment Agency Closed Session

- 1. Call to Order in the West Conference Room (Open to the Public)
- 2. Roll Call
- 3. Convene to Closed Session The public may provide comments regarding the Closed Session item(s) just prior to the Redevelopment Agency beginning the Closed Session. Closed Sessions are not open to the public.

Closed Session pursuant to Section 54956.8 – Conference with Real Property Negotiator

**Property: Sunnyvale Town Center** 

Negotiating Parties: Amy Chan, Agency Director; Peter Pau and Catherine Minor,

**Sunnyvale Mixed Use LLC** 

**Under Negotiation: Amendment to Terms of ARDDOPA** 

4. Adjourn Special Meeting

#### Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <a href="http://sunnyvale.ca.gov">http://sunnyvale.ca.gov</a> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

#### **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

## <u>Public Announcement – Beginning of Council Meeting</u>

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community—wide interest that occur on an annual basis. (only announce one time).

#### Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor).
   Please make comments brief and be prepared to provide new input.

#### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

## Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "How to Make Your Council Chambers Presentation More Effective" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <a href="http://sunnyvale.ca.gov">http://sunnyvale.ca.gov</a>.

<u>Planning to present materials to Council?</u>
If you wish to provide the City Council with copies of your presentation materials, **please provide** 12 copies of the materials to the city clerk (located to the left of the Council dais). The city clerk will distribute your items to the Council.

## SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIMI	E	PLACE
October 21, 2008 October 27, 2008 October 28, 2008 November 3, 2008 November 18, 2008 November 25, 2008 December 2, 2008 December 9, 2008	Council Meeting Special Council Meeting – Closed Session Council Meeting Special Council Meeting – Closed Session Council Meeting Council Meeting Council Meeting Council Meeting Council Meeting Council Meeting	7 6 7 6 7 7 7	p.m. p.m. p.m. p.m. p.m. p.m. p.m. p.m.	Council Chambers Council Conf. Room Council Chambers West Conf. Room Council Chambers Council Chambers Council Chambers Council Chambers Council Chambers
December 16, 2008	Council Meeting	7	p.m.	Council Chambers
OTHER SCHEDULED MEETINGS				
October 22, 2008 October 20, 2008 October 27, 2008 October 27, 2008 October 29, 2008 November 3, 2008 November 5, 2008 November 10, 2008 November 10, 2008 November 10, 2008 November 12, 2008 November 12, 2008 November 12, 2008 November 17, 2008	Housing and Human Services Commission Personnel Board Planning Commission Study Session Planning Commission Public Hearing Administrative Hearing Board of Library Trustees - CANCELED Heritage Preservation Commission Special Board of Library Trustees Planning Commission Study Session Planning Commission Public Hearing Parks and Recreation Commission Administrative Hearing Personnel Board	7 5 7 8 2 7 7 7 8 7 8 7 2 5	p.m. p.m. p.m. p.m. p.m. p.m. p.m. p.m.	West Conf. Room Council Chambers West Conf. Room Council Chambers West Conf. Room Council Chambers West Conf. Room Library Prog. Room West Conf. Room Council Chambers Council Chambers West Conf. Room Council Chambers
CHANNEL 15 – KSUN				
October 21, 2008 October 22, 2008 October 26, 2008 October 28, 2008 October 29, 2008 November 2, 2008 November 18, 2008 November 19, 2008 November 23, 2008 November 25, 2008 November 26, 2008 November 30, 2008 December 3, 2008 December 7, 2008 December 7, 2008 December 10, 2008 December 10, 2008 December 14, 2008 December 16, 2008 December 17, 2008 December 17, 2008 December 17, 2008 December 17, 2008	City Council Meeting – Live City Council Meeting – Replay of October 21, 200 City Council Meeting – Replay of October 21, 200 City Council Meeting – Live City Council Meeting – Replay of October 28, 200 City Council Meeting – Replay of October 28, 200 City Council Meeting – Replay of October 28, 200 City Council Meeting – Replay of November 18, 2 City Council Meeting – Replay of November 18, 2 City Council Meeting – Replay of November 18, 2 City Council Meeting – Replay of November 25, 2 City Council Meeting – Replay of November 25, 2 City Council Meeting – Replay of November 25, 2 City Council Meeting – Replay of December 2, 20 City Council Meeting – Replay of December 2, 20 City Council Meeting – Replay of December 9, 20 City Council Meeting – Replay of December 9, 20 City Council Meeting – Replay of December 9, 20 City Council Meeting – Replay of December 16, 2 City Council Meeting – Replay of December 16, 2 City Council Meeting – Replay of December 16, 2	8 8 8 008 008 008 008 08 08 08	7 4 7 7 4 7 7 4 7 7 4 7 7	p.m. p.m. p.m. p.m. p.m. p.m. p.m. p.m.